

Notice of Allowability

Application No.

10/699,714

Applicant(s)

ELWELL, JAMES P.

Examiner

Art Unit

Hargobind S. Sawhney

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 6/7/05.
2. ☒ The allowed claim(s) is/are 1, 4-6, 10 and 11.
3. ☒ The drawings filed on 03 November 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>8/3/2005</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

1. The amendment filed on June 7, 2005 has been entered. Accordingly, claims 1, 6 and 8 have been amended.
2. On August 3, 2005, the examiner contacted the attorney, Mr. Bart Fisher, to discuss the amended claims 1, 6 and 12 in light of Vaughn (US Patent No.: 4,791,402). The Examiner informed Mr. Fisher that the non-final office action mailed on March 8, 2005 included allowance of Claim 12, and objection of dependent claims 2-5 and 7-11 because of their including allowable subject matter. However, based on the upgraded search, the above-indicated allowability needs to be withdrawn. The prior art Tim Kao (US Patent No.: 5,798,691) in view of Vaughn ('402) meets the limitations of Claims 1, 6 and 12.

The examiner indicated that the prior art Vaughn ('402) meets the limitation "a grill light inserted within one of the plurality of grill holes" which was considered as one of the bases for allowability of the claims. Finally, the Examiner suggested that the above-indicated prior arts could be overcome with the following measures.

- Combine claims 1 and 3, and cancel dependent claim 3;
- Combine claims 6, 8 and 9, and cancel claims 8 and 9; and
- Cancel independent Claim 12; and
- Make claims 4, 10 dependent on claims 1 and 6 respectively

In response, Mr. Fisher authorized an examiner's amendment requiring amendment measures detailed below in section 3 of this office action.

A copy of the interview summary is attached herewith.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Bart Fisher on August 3, 2005.

- Claim 1 (amended), line 6, insert -- ;wherein the grill light includes a threaded cylinder extending through the hole and protruding from the front and rear faces of grill, a front nut being threaded over the cylinder protruding from the front face of the grille and a back nut being threaded over the cylinder protruding from the rear face of the grill – after “light”;
- Claim 6 (amended), line 11, insert -- ; a cylinder within the one grill hole; said cylinder includes a front threaded end protruding from the front face of the grill insert and the back threaded end protruding from the back face of the grill insert, a front nut being threaded on the front threaded end of the cylinder and a back nut being threaded on the back threaded end of the cylinder – after “light”;
- Claim 4, line 1, replace “claim 3” with --claim 1 --;
- Claim 10, line 1, replace “claim 9” with -- claim 6 --; and
- Cancel claims 3, 8, 9 and 12.

Allowable Subject Matter

4. Claims 1, 4-6, 10 and 11 are allowed.

The prior art of record, including Tim Kao (US Patent No.: 5,798,691) and Vaughn (US Patent No.: 4,791,402), does not show or suggest the applicant's invention as claimed. Specifically, the prior art of record does not disclose a vehicular lighting system combining:

- a grill light including a threaded cylinder extending through a grill hole, and the threaded cylinder protruding from the front and rear faces of the grill as recited in each of the independent claims 1 and 6

The above-indicated combination including: a typical positioning of a threaded cylinder bearing a grill light, and the threaded cylinder protruding from the front and back faces of the grill, makes this invention unique.

Tim Kao ('691) discloses a combination comprising a vehicle having a grill installed at the front of the vehicle, and including a plurality of holes. In addition Tim Kao ('691) teaches a light assembly externally mounted to the grill. However, Tim Kao ('691) does not teach the light positioned within one of the grill openings. Thus, Tim Kao ('691) does not meet the limitations of each of claims 1 and 6.

Additionally, Vaughn ('402) teaches a vehicular light mounted in rectangular cross-sectional housing, and the housing mounted within one of the grill holes.

However, Vaughn ('402) does not teach a threaded cylinder protruding from the front and rear faces of the grill as claimed by the applicant.

Thus, neither combined nor individual teaching of Tim ('691) and Vaughn ('402) meet the limitations of each of the independent claims 1 and 6.

Therefore, 1 and 6 are allowed over prior art.

Claims 4 and 5 are necessarily allowed because of their dependency on the allowed base Claim 1.

Claims 10 and 11 are necessarily allowed because of their dependency on the allowed base Claim 6.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

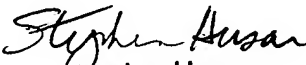
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S Sawhney whose telephone number is 571 272 2380. The examiner can normally be reached on 6:15 - 2:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571 272 2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HSS
8/4/05


Stephen Husar
Primary Examiner